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Item 4 (b) of the provisional agenda

ORGANIZATIONAL MATTERS

ADOPTION OF THE RULES OF PROCEDURE

Note by the secretariat

1. Pursuant to Article 7.3 of the Convention, "the Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention ... ." The present document contains the draft rules of procedure which were previously contained in document A/AC.237/L.22/Rev.2. In this regard, the footnote to rule 30 which was inadvertently omitted in that document has been incorporated into the present document.

2. As decided by the Conference of the Parties (COP) at the start of its first session, the draft rules of procedure are at present being applied by the COP and its subsidiary bodies, with the exception of draft rule 42: "Voting" (see FCCC/CP/1995/7, para. 10), which appears in bold type in the present document. The President of the Conference conducted consultations on the rules during the first session and, towards the end of the session, undertook to continue such consultations with a view to advancing consensus before the second session of the Conference (FCCC/CP/1995/7, para. 14). The President will report to the second session on the results of her consultations.

3. The Conference is invited to adopt its rules of procedure at its second session.

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United Nations Framework Convention on Climate Change

Draft Rules of Procedure of the Conference of the Parties and its Subsidiary Bodies

I. SCOPE

Rule 1

These rules of procedure shall apply to any session of the Conference of the Parties to the Convention convened in accordance with Article 7 of the Convention.

II. DEFINITIONS

Rule 2

For the purposes of these rules:

1. "Convention" means the United Nations Framework Convention on Climate Change, adopted at New York on 9 May 1992 and opened for signature in Rio de Janeiro on 4 June 1992;

2. "Parties" means Parties to the Convention;

3. "Conference of the Parties" means the Conference of the Parties established by Article 7 of the Convention;

4. "Session" means any ordinary or extraordinary session of the Conference of the Parties convened in accordance with Article 7 of the Convention;

5. "Regional economic integration organization" means an organization defined in Article 1, paragraph 6 of the Convention;

6. "President" means the President of the Conference of the Parties elected in accordance with Rule 22, paragraph 1 of these rules;

7. "Secretariat" means the permanent secretariat designated by the Conference of the Parties in accordance with Article 8, paragraph 3 of the Convention.

8. "Subsidiary body" means those bodies established by Articles 9 and 10 of the Convention, as well as any body, including committees and working groups, established pursuant to Article 7(2)(i) of the Convention.

III. PLACE OF SESSIONS

Rule 3

The sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties.

IV. DATES OF SESSIONS

Rule 4

1. Ordinary sessions of the Conference of the Parties shall be held once every year, unless the Conference of the Parties decides otherwise.

2. At each ordinary session, the Conference of the Parties shall decide on the date and duration of the next ordinary session. The Conference of the Parties should endeavour not to hold such a session at a time which would make the attendance of a significant number of delegations difficult.

3. Extraordinary sessions of the Conference of the Parties shall be held at such times as may be deemed necessary by the Conference of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them, in a timely manner, by the secretariat, it is supported by at least one third of the Parties.

4. In the case of an extraordinary session held at the written request of a Party, it shall be held not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

Rule 5

The secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held.

V. OBSERVERS

Rule 6

1. The United Nations, its specialized agencies, any international entity or entities entrusted by the Conference of the Parties pursuant to Article 11 of the Convention with the operation of the financial mechanism, and the International Atomic Energy Agency, as well as

any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session, unless at least one third of the Parties present at the session object.

Rule 7

1. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer may be so admitted unless at least one third of the Parties present at the session object.

2. Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any session in matters of direct concern to the body or agency they represent, unless at least one third of the Parties present at the session object.

Rule 8

The secretariat shall notify those entitled to be observers pursuant to Rules 6 and 7 above of the date and venue of any session scheduled by the Conference of the Parties so that they may be represented by observers.

VI. AGENDA

Rule 9

In agreement with the President, the secretariat shall draft the provisional agenda of each session.

Rule 10

The provisional agenda for each ordinary session shall include, as appropriate:

(a) Items arising from the articles of the Convention, including those specified in Article 7 therein;

(b) Items the inclusion of which has been decided at a previous session;

(c) Items referred to in Rule 16 of the present rules of procedure;

(d) Any item proposed by a Party and received by the secretariat before the provisional agenda is circulated;

(e) The proposed budget as well as all questions pertaining to the accounts and financial arrangements.

Rule 11

For each ordinary session, the provisional agenda, together with supporting documents, shall be distributed in the official languages by the secretariat to the Parties at least six weeks before the opening of the session.

Rule 12

The secretariat shall, in agreement with the President, include any item which is proposed by a Party and has been received by the secretariat after the provisional agenda has been produced, but before the opening of the session, in a supplementary provisional agenda.

Rule 13

The Conference of the Parties when adopting the agenda may decide to add, delete, defer or amend items. Only items which are considered by the Conference of the Parties to be urgent and important may be added to the agenda.

Rule 14

The provisional agenda for an extraordinary session shall consist only of those items proposed for consideration in the request for the holding of the extraordinary session. It shall be distributed to the Parties at the same time as the invitation to the extraordinary session.

Rule 15

The secretariat shall report to the Conference of the Parties on the administrative and budgetary implications of all substantive agenda items submitted to the session, before they are considered by it. Unless the Conference of the Parties decides otherwise, no such substantive agenda item shall be considered until at least forty-eight hours after the Conference of the Parties has received the report of the secretariat on the administrative and budgetary implications.

Rule 16

Any item of the agenda of an ordinary session, consideration of which has not been completed at the session, shall be included automatically in the agenda of the next ordinary session, unless otherwise decided by the Conference of the Parties.

VII. REPRESENTATION AND CREDENTIALS

Rule 17

Each Party participating in a session shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as it may require.

Rule 18

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Rule 19

The credentials of representatives as well as the names of alternate representatives and advisers shall be submitted to the secretariat if possible not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization.

Rule 20

The Bureau of any session shall examine the credentials and submit its report to the Conference of the Parties.

Rule 21

Representatives shall be entitled to participate provisionally in the session, pending a decision by the Conference of the Parties to accept their credentials.

VIII. OFFICERS

Rule 22

1. At the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing states. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups.

2. The officers referred to in paragraph 1 above, shall remain in office until their successors are elected at the next ordinary session and shall serve in that capacity at any

intervening extraordinary sessions. No officer may serve on the Bureau for more than two consecutive terms of one year.

3. The President shall participate in the session in that capacity and shall not at the same time exercise the rights of a representative of a Party. The Party concerned shall designate another representative who shall be entitled to represent the Party in the session and to exercise the right to vote.

Rule 23

1. In addition to exercising the powers conferred upon the President elsewhere by these rules, the President shall declare the opening and closing of the session, preside at the meetings of the session, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat.

2. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

3. The President, in the exercise of the functions of that office, remains under the authority of the Conference of the Parties.

Rule 24

The President, if temporarily absent from a meeting or any part thereof, shall designate a Vice-President to act as President. The President so designated shall not at the same time exercise the rights of a representative of a Party.

Rule 25

If an officer of the Bureau resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, a representative of the same Party shall be named by the Party concerned to replace the said officer for the remainder of that officer's mandate.

Rule 26

At the first meeting of each ordinary session, the President of the previous ordinary session, or in the absence of the President, a Vice-President, shall preside until the meeting has elected a President for the session.

IX. SUBSIDIARY BODIES

Rule 27

1. These rules shall apply mutatis mutandis to the proceedings of the subsidiary bodies.

2. The Conference of the Parties may establish, in accordance with Article 7.2(i), such subsidiary bodies as are deemed necessary for the implementation of the Convention.

3. In the case of a subsidiary body that is not open-ended, a majority of the Parties designated by the Conference of the Parties to participate therein shall constitute a quorum.

4. The Conference of the Parties shall decide on the dates of the sessions of the subsidiary bodies, taking note of the desirability of holding such sessions in conjunction with the sessions of the Conference of the Parties.

5. Unless the Conference of the Parties decides otherwise, the Chairman of any subsidiary body other than those established by Articles 9 and 10 of the Convention, shall be elected by that subsidiary body from among the representatives of the Parties present at the session. The Chairmen, Vice-Chairmen and Rapporteurs of such subsidiary bodies shall be elected with due regard to the principle of equitable geographical representation and shall not serve for more than two consecutive terms of one year.

6. Each subsidiary body shall elect its own Vice-Chairman and Rapporteur.

7. Subject to Articles 9 and 10 of the Convention, the Conference of the Parties shall determine the matters to be considered by each subsidiary body and may authorize the President, upon the request of the Chairman of a subsidiary body, to adjust the allocation of work.

X. SECRETARIAT

Rule 28

1. The head of the secretariat of the Convention, or the representative of the head of the secretariat, shall act in that capacity in all sessions of the Conference of the Parties and of its subsidiary bodies.

2. The head of the secretariat of the Convention shall arrange for the provision of staff and services required by the Conference of the Parties and its subsidiary bodies, within available resources. The head of the secretariat of the Convention shall manage and direct such staff and services and provide appropriate support and advice to the presiding and other officers of the Conference of the Parties and of its subsidiary bodies.

Rule 29

In addition to the functions specified in Article 8 of the Convention, the secretariat shall in accordance with these rules:

(a) Arrange for interpretation at the session;

(b) Receive, translate, reproduce and distribute the documents of the session;

(c) Publish and distribute the official documents of the session;

(d) Make and arrange for keeping of sound recordings of the session;

(e) Arrange for the custody and preservation of the documents of the session; and

(f) Perform all other work that the Conference of the Parties may require.

XI. CONDUCT OF BUSINESS

Rule 30[1]

1. Meetings of the Conference of the Parties shall be held in public, unless the Conference of the Parties decides otherwise.

2. Meetings of the subsidiary bodies shall be held in private unless the Conference of the Parties decides otherwise.

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[1] Paragraph 106 (c) of the Report of the Committee on its eighth session (A/AC.237/41) states: "Consistent with the Rules of Procedure of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, upon which the draft rules were largely based, Rule 30 of the draft rules of procedure would be interpreted as permitting duly accredited observers to participate in 'private' meetings."

Rule 31

The President shall not declare a meeting of the Conference of the Parties open or permit the debate to proceed unless at least one third of the Parties to the Convention are present. The presence of two thirds of the Parties to the Convention shall be required for any decision to be taken.

Rule 32

1. No one may speak at a meeting of the Conference of the Parties without having previously obtained the permission of the President. Subject to Rules 33, 34, 35 and 38, the President shall call upon speakers in the order in which they signify their desire to speak. The secretariat shall maintain a list of speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The Conference of the Parties may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call the speaker to order without delay.

Rule 33

The Chairman or Rapporteur of a subsidiary body may be accorded precedence for the purpose of explaining the conclusions arrived at by that subsidiary body.

Rule 34

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 35

Any motion calling for a decision on the competence of the Conference of the Parties to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it

shall be put to the vote before the matter is discussed or a vote taken on the proposal or amendment in question.

Rule 36

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting unless copies of it have been circulated to delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Rule 37

The text of any proposed amendment, annex or protocol to the Convention and of any proposed amendment to an annex, shall be communicated to the Parties by the secretariat at least six months before the session at which it is proposed for adoption.

Rule 38

1. Subject to Rule 34, the following motions shall have precedence in the order indicated below over all other proposals or motions:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 39

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal or motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 40

When a proposal has been adopted or rejected, it may not be reconsidered at the same session, unless the Conference of the Parties, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to

reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

XII. VOTING

Rule 41

1. Each Party shall have one vote, except as provided for in paragraph 2 of this rule.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Rule 42

[1. Alternative A

The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, except:

(a) as otherwise provided by the Convention, the financial rules referred to in Article 7, paragraph 2 (k) of the Convention or the present rules of procedure[.] [;]

[(b) for a decision to adopt a proposed protocol, which shall be taken by [consensus] [a three-fourths majority of the Parties present and voting][.] [;]

[(c) for decisions under paragraph 3 of Article 4 and paragraphs 1, 3 or 4 of Article 11 of the Convention, which shall be taken by consensus.]

1. Alternative B

Decisions on matters of substance shall be taken by consensus, except that decisions on financial matters shall be taken by a two-thirds majority vote.

2. Decisions of the Conference of the Parties on matters of procedure shall be taken by a majority vote of the Parties present and voting **[, except that adoption of a motion or proposal to close or limit debate or the list of speakers shall require a two-thirds majority vote of the Parties present and voting]**.

3. If the question arises as to whether a matter is one of a procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If, on matters other than elections, a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of this rule, the phrase "Parties present and voting" means Parties present at the meeting at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.]

Rule 43

If two or more proposals relate to the same question, the Conference of the Parties, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The Conference of the Parties may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 44

Any representative may request that any part of a proposal or of an amendment to a proposal be voted on separately. The President shall allow the request unless a Party objects. If an objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the request, after which it shall be put immediately to the vote.

Rule 45

If the request referred to in Rule 44 is allowed or adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to have been rejected as a whole.

Rule 46

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal

to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.

Rule 47

If two or more amendments are moved to a proposal, the Conference of the Parties shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

Rule 48

Voting, except for elections, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the session, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

Rule 49

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the session.

Rule 50

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

Rule 51

All elections shall be held by secret ballot, unless otherwise decided by the Conference of the Parties.

Rule 52

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted

to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

Rule 53

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

XIII. LANGUAGES

Rule 54

The official languages of the Conference of the Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

Rule 55

1. Statements made in an official language shall be interpreted into the other official languages.

2. A representative of a Party may speak in a language other than an official language if the Party provides for interpretation into one such official language.

Rule 56

Official documents of the sessions shall be drawn up in one of the official languages and translated into the other official languages.

XIV. SOUND RECORDS OF THE SESSIONS OF THE CONFERENCE OF THE PARTIES

Rule 57

Sound records of the sessions of the Conference of the Parties, and whenever possible of the subsidiary bodies, shall be kept by the secretariat in accordance with the practice of the United Nations.

XV. AMENDMENTS TO RULES OF PROCEDURE

Rule 58

1. These rules of procedure may be amended by consensus by the Conference of the Parties.

2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

XVI. OVERRIDING AUTHORITY OF THE CONVENTION

Rule 59

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

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